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7 THE GAP, INC., a/k/a, GAP, INC., GAP INTERNATIONAL
SALES, INC., BANANA REPUBLIC, LLC, AND OLD NAVY,
8 LLC

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 ROOTS READY MADE GARMENTS CO.
W.L.L.,

14 Plaintiff,

15 v.

16 THE GAP, INC., a/k/a, GAP, INC., GAP
17 INTERNATIONAL SALES, INC., BANANA
REPUBLIC, LLC, AND OLD NAVY, LLC

18 Defendants.
19

Case No. C 07-03363 CRB

**DECLARATION OF REBEKAH PUNAK
IN SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT,
OR, IN THE ALTERNATIVE,
SUMMARY ADJUDICATION**

Date: August 29, 2008
Time: 10:00 a.m.
Dept: 8
Judge: Honorable Charles R. Breyer

Trial Date: October 6, 2008

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24 **PUBLIC REDACTED VERSION**
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1 I, REBEKAH PUNAK, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and before this
3 Court and am an associate at Keker & Van Nest, LLP, counsel for defendants Gap International
4 Sales, Inc., The Gap, Inc., Banana Republic, LLC, and Old Navy, LLC (collectively "Gap").

5 2. I have knowledge of the facts set forth herein, and if called to testify as a witness
6 thereto, could do so competently under oath.

7 3. [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 4. Attached hereto as **Exhibit 2** are true and correct copies of the relevant excerpts
11 from the Deposition of Sheikh Faisal Ahmed Al-Thani, taken in this matter on June 4, 2008.

12 5. [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 6. Attached hereto as **Exhibit 4** are true and correct copies of the relevant excerpts
17 from the Deposition of Ashraf Abu Issa, taken in this matter on June 6, 2008.

18 7. Attached hereto as **Exhibit 5** is a true and correct copy of the "Convention
19 Commerciale" between Gabana and Solka dated May 1, 2002, produced by Gap in this action
20 and bates-marked RTS00051005-51007. This document is authenticated at Exh. 7, 77:10-25.

21 8. Attached hereto as **Exhibit 6** is a true and correct copy of the English translation
22 of the "Commercial Agreement" between Gabana and Solka dated May 1, 2002.

23 9. Attached hereto as **Exhibit 7** are true and correct excerpts from the May 14, 2007
24 deposition of Francois Larsen in the matter of *Gabana Gulf Distrib., LTD v. Gap Int'l Sales, Inc.*,
25 Case No. C 06 2584 CRB (EDL).

26 10. [REDACTED]
27 [REDACTED]

28 11. Attached hereto as **Exhibit 9** are true and correct copies of the relevant excerpts

1 from the rough transcript of the Deposition of Jon Ehlen, taken in this matter on July 15, 2008.

2 My office has not yet received the final version of the deposition transcript.

3 12. Attached hereto as **Exhibit 10** is a true and correct copy of a letter from Jim Bell
4 to Jacques Fabre and Francois Larsen, dated May 19, 2003, produced by Roots and bates-marked
5 RRMG00008207. This document is authenticated at Exh. 1, 86:16-87:16.

6 13. Attached hereto as **Exhibit 11** is a true and correct copy of an email from
7 Francois Larsen to Jim Bell, dated May 20, 2003, produced by Gap in this action and bates-
8 marked RTS00001511. This document is authenticated at Exh. 36, 138:4-20.

9 14. [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 15. [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 16. Attached hereto as **Exhibit 14** is a true and correct copy of Attachment A to
16 Gap's Req. for Judicial Notice in Supp. of Mot. to Dismiss First Am. Compl. ("RJN") (Doc. 34).
17 This document consists of an Excess Inventory Program Distributor License Agreement between
18 Gap and Gabana dated May 13, 2003, and is authenticated at Exh. 37, 151:11-25.

19 17. Attached hereto as **Exhibit 15** is a true and correct copy of Attachment B to the
20 RJN. This document consists of an International Sales Program Distributor License Agreement
21 between Gap and Gabana dated May 13, 2003, and is authenticated at Exh. 9, 186:25-187:14.

22 18. Attached hereto as **Exhibit 16** is a true and correct copy of Attachment C to the
23 RJN. This document consists of an International Sales Program Distributor License Agreement
24 between Gap and Gabana dated September 1, 2004, and is authenticated at Exh 9, 189:3-13.

25 19. **Exhibit 17** is intentionally omitted.

26 20. Attached hereto as **Exhibit 18** are true and correct copies of the relevant excerpts
27 from the Deposition of Naser Beheiry, taken in this matter on June 24, 2008.

28 21. [REDACTED]

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[REDACTED]

22. Attached hereto as **Exhibit 20** is a true and correct copy of a coverletter and Memorandum of Understanding between Roots and A.A. Turki Corporation, produced by Gap in this action and bates-marked RTS00011904-11908. This document is authenticated at Exh. 4, 153:20-154:6.

23. Attached hereto as **Exhibit 21** is a true and correct copy of an email from Jon Ehlen to Isabelle Richard dated October 22, 2003, produced by Gap in this action and bates-marked RTS0010997. This document is authenticated at Exh. 38, 51:13-22.

24. [REDACTED]

25. [REDACTED]

26. Attached hereto as **Exhibit 24** is a true and correct copy of letter from Ron Young to Francois Larsen dated May 12, 2005, produced by Gap in this action and bates-marked RTS00008823. This document is authenticated at Exh. 39, 68:6-69:12.

27. [REDACTED]

28. [REDACTED]

29. [REDACTED]

- 1 30. [REDACTED]
- 2 [REDACTED]
- 3 [REDACTED]
- 4 [REDACTED]
- 5 31. [REDACTED]
- 6 [REDACTED]
- 7 [REDACTED]
- 8 [REDACTED]
- 9 32. Attached hereto as **Exhibit 30** are true and correct copies of the relevant excerpts
- 10 from the Deposition of Kifah Balawi, taken in this matter on June 23, 2008.
- 11 33. Attached here to as **Exhibit 31** is a true and correct copy of an email with
- 12 attachments from Francois Larsen to Ashraf Abu Issa dated May 20, 2003, produced by Gap in
- 13 this action and bates-marked RTS00050821-50881. This document is authenticated at Exh. 4,
- 14 67:21-68:7.
- 15 34. Attached hereto as **Exhibit 32** is a true and correct copy of an email with
- 16 attachments from Francois Larsen to Ashraf Abu Issa dated May 20, 2003, produced by Gap in
- 17 this action and bates-marked RTS00050882-50929. This document is authenticated at Exh. 4,
- 18 71:9-72:1.
- 19 35. Attached hereto as **Exhibit 33** is a true and correct copy of an email from Jim Bell
- 20 to Francois Larsen, Jacques Fabre, and others dated March 18, 2003, produced by Gap in this
- 21 action and bates-marked RTS00048723. This document is authenticated at Exh. 8, 43:5-22.
- 22 36. Attached hereto as **Exhibit 34** is a true and correct copy of an email from Naser
- 23 Beheiry to Francois Larsen dated May 19, 2004, produced by Gap in this action and bates-
- 24 marked RTS00050935-50937. This document is authenticated at Exh. 18, 36:14-18.
- 25 37. Attached hereto as **Exhibit 35** is a true and correct copy of an email from
- 26 Francois Larsen to Naser Beheiry dated May 25, 2004, marked as deposition exhibit 59. This
- 27 document is authenticated at Exh. 18, 53:6-10.
- 28 38. [REDACTED]

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[REDACTED]

[REDACTED]

39. [REDACTED]

[REDACTED]

40. [REDACTED]

[REDACTED]

[REDACTED]

41. [REDACTED]

[REDACTED]

[REDACTED]

42. Attached hereto as **Exhibit 40** are true and correct excerpts from the May 16, 2007 deposition of Ronald Young in the matter of *Gabana Gulf Distrib., LTD v. Gap Int'l Sales, Inc.*, Case No. C 06 2584 CRB (EDL).

I declare under penalty of perjury under the laws of the United States that the foregoing is a true and correct and that this declaration was executed on July 25, 2008 in San Francisco, California.

/s/ Rebekah Punak
REBEKAH PUNAK